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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,753	10/24/2000	Joseph Wayne Forler	RCA88836	1172

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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,753

Applicant(s)

FORLER, JOSEPH WAYNE

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION***Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Regarding the specification, section headings should be provided as stated.
Correction is required.

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 6-7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Rumreich (U.S. Patent No. 5,995,160).

Regarding claim 1, Rumreich discloses an apparatus (Fig. 1), comprising:

“a signal input for receiving a program signal associated with one of a plurality of signal channels, said signal input selecting one of said plurality of signal channels in response to a user input”, i.e., RF in as a signal input for an apparatus of Figure 1 for receiving a program signal associated with a plurality of signal channels, see col. 4/line 65 to col. 5/line 40 as a tuner can select or choose a plurality of channels in response to a user input 125 via an IR receiver 122;

“a signal output for providing an output signal derived from said program signal”, i.e., an output is provided to IF processor 130 for producing baseband video signals (Fig. 1, and col. 4/line 65 to col. 5/line 20);

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“an auxiliary data decoder for detecting program related information included in each said program signal”, i.e., an auxiliary data processor 115 is used for detecting program related information in each of the program signal (col. 5/lines 40-62); and

“a processor operatively connected to said signal input, said signal output and said auxiliary data decoder, wherein said processor is responsive to user selection of a first operating mode for controlling said output signal in a predetermined manner to reduce user access to said output signal for at least until said program related information is detected upon user selection of a new one of said plurality of signal channels and user selection of a second operating mode for providing user access to said output signals and prior to detection of said program related information”, i.e., CPU 112 connected to Aux data processor 115, the input signal and the output signal (as shown in Fig. 1), and the processor is responsive to the user selection, detecting and reducing the user access, for instance, blocking some of the content that has its rating over a predetermined limit, and for providing the user access if the content is not over the predetermined limit prior to detecting of the related information (col. 6/lines 18-50 for blanking if the content is over the limit, and col. 12/lines 14-25 for unblanking if the content is within the limit); furthermore, the user access is reduced to the output signal for at least until the program related information or the auxiliary data is detected (col. 9/lines 8-52 & col. 10/lines 1-42 as a fast switch under a timing generator is used for controlling the quickly switching of the output signal, i.e., the content of program if not suitable for viewing, to auxiliary data for replacing the new information data at appropriate time and the blanking process addressed).

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As for claim 2, in further view of claim 1 above, Rumreich further discloses “comprising a second signal input for providing a second program signal from a second signal source, and a switch for operatively coupling one of said signal input and second signal input to said signal output, said output signal being derived from one of said respective program signals, wherein said processor controls said output signal in said predetermined manner when the user selects one of said signal inputs for at least until said program related information is detected”, i.e., a second input signal is disclosed because an RF-in (input) can be from different sources such as from an antenna or a (video) cable and CV2 can be from a VCR and a video switch 142 under the control of the processor 115 is selectively switching the corresponding input signals and provides appropriate program signals as the user selects signal inputs with the input interface control 125 (col. 5/lines 3-40).

As for claim 3, in further view of claim 1, Rumreich discloses “wherein said program signal is a television signal” (col. 1/lines 34-51 for television signal containing video and audio program and auxiliary information; and col. 4/line 65 to col. 5/line 5 for video television signal is received at the input).

As for claim 6, in further view of claim 1, Rumreich discloses “wherein said predetermined manner of control comprises one of blanking the video signal, replacing the video signal with an On Screen Display message, muting the audio signal and disabling associated closed captions” (col. 1/line 52 to col. 2/line 3 for video is blanked and the audio is muted; col. 2/lines 20-44 for a variation of blanking including whether of blanking the auxiliary data (meaning) including the closed captions, and col. 6/lines 30-

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50, with OSD 117 for On Screen Display processor 117 for displaying messages on the television screen).

As for claim 7, in further view of claim 1, Rumreich discloses “wherein said processor is responsive to user selection of a second operating mode for controlling said output signal in said predetermined manner for at least until said program related information is detected upon user selection of a new one of a plurality of user designated signal channels of said plurality of signal channels”, i.e., the processor is responsive to the user selection, detecting and reducing the user access, for instance, blocking some of the content that has its rating over a predetermined limit, and for providing the user access if the content is not over the predetermined limit prior to detecting of the related information (col. 6/lines 18-50 for blanking if the content is over the limit, and col. 12/lines 14-25 for unblanking if the content is within the limit).

Regarding claim 11, Rumreich discloses “a method for selectively blanking a display comprising the steps of: selecting a change of channel to be displayed; blanking the display; tuning to the selected channel; determining whether a default blanking mode has been set; if a default blanking mode is not set, unblank the display, otherwise retain display blanking; determine whether authorization exists for displaying the selected channel; if authorization for displaying the selected channel exists, display the selected channel, otherwise blank the display” (see claim 1 above).

Claim Rejections - 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rumreich as disclosed in claim 1 above and in further view of Collings (U.S. Patent No. 5,828,402).

Regarding claim 4, in further view of claim 1, Rumreich does not disclose “wherein said program signal comprises a plurality of digital signal packets”; however, it is well known in the art that the program signal can be encoded and transmitted as digital signal packets over a transmission medium. In fact, in a same environment of selectively delivering programs to the viewer, Collings clearly teaches an exact same technique that the program signal can be encoded and transmitted as digital signal packets (Fig. 1, and col. 4/lines 10-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rumreich’s system with an existing and known technique of transmitting program signal including auxiliary information as “digital signal packets” over a transmission medium. The motivation for doing this, which is well known in the art, for enhancing security by encoding the signals as digital

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data packets and discretely transmitting them over the medium either using Time Division Multiple Access (TDMA) or Code Division Multiple Access (CDMA) technique.

As for claim 5, in further view of claim 1, Rumreich does not address “wherein said program signal comprises a plurality of time-multiplexed digital signal packets” as claimed; however, the Examiner takes Official Notice that time-multiplexed digital signal packets is known in the art, as discussed earlier in claim 4 for TDMA and CDMA. It’s simply a system choice whether to use a TDMA technique for transmitting digital data packets over the medium, so that one can realize “the program signal comprises a plurality of time-multiplexed digital signal packets”. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rumreich’s system with the use of TDMA in transmitting program signals in order to provide “the program signal comprises a plurality of time-multiplexed digital signal packets” as claimed. The motivation for doing this, which is well known in the art, for enhancing security by encoding the signals as digital data packets and discretely transmitting them over the medium using a Time Division Multiple Access (TDMA) encoding technique.

As for claim 8, in further view of claim 1, Rumreich does not disclose “wherein said processor is capable of providing an On Screen Display menu for allowing user selection of said first operating mode”; however, Collings offers an On Screen Display (OSD) menu for the viewer to select or choose whether an appropriate operating mode or not to view (see Figs. 5A, 5B & 5C). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the OSD with a

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menu for the viewer had a chance to modify or customize their operating modes based on preferred setting using the OSD menu, which also served as a motivation for doing this, as taught by Collings (col. 2/line 65 to col. 3/line 16).

As for claim 9, in further view of claim 8, Collings teaches “wherein said processor is capable of providing a restricted access On Screen Display menu for allowing user selection of said first operating mode” (see Figs. 5E, 5F, 5G, 5H & 5I for restricting access that OSD menu is provided to the user for allowing user selection).

As for claim 10, in further view of claim 9, Collings further teaches “wherein access to said On Screen Display menu is password protected”, i.e., a PIN is required as an access code for changing or accessing the main menu (col. 16/lines 50-67).

Response to Arguments

6. Applicant's arguments filed on 4/27/04 have been fully considered but they are not persuasive.

The Applicant basically argues that Rumreich does not disclose or teach the step of “reducing access to the output signal for at least until program related information is detected” by pointing out to the technique that this application is concerning about “the delay time required for a television receiver to receive and decode the program related information included in the auxiliary image data” while Rumreich does not.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the delay time required for a television receiver to receive and decode the program related information included in the auxiliary image data) are not clearly recited in the

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rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Applicant simply assumes by his own opinion that “when a new channel is selected, the television receiver (of Rumreich) may take several seconds to detect and decode the new program related information and take appropriate blocking action” (page 6); however, the simply and broadly step of “reducing access to the output signal for at least until program related information is detected” is disclosed or taught by Rumreich as the CPU 112 connected to Aux data processor 115, the input signal and the output signal (as shown in Fig. 1), and the processor is responsive to the user selection, detecting and reducing the user access, for instance, blocking some of the content that has its rating over a predetermined limit, and for providing the user access if the content is not over the predetermined limit prior to detecting of the related information (col. 6/lines 18-50 for blanking if the content is over the limit, and col. 12/lines 14-25 for unblanking if the content is within the limit); furthermore, the user access is reduced to the output signal for at least until the program related information or the auxiliary data is detected (col. 9/lines 8-52 & col. 10/lines 1-42 as a fast switch under a timing generator is used for controlling the quickly switching of the output signal, i.e., the content of program if not suitable for viewing, to auxiliary data for replacing the new information data at appropriate time and the blanking process addressed).

The combination of Rumreich and Collings is proper and valid based at least on the above reasons. Therefore, the Examiner disagrees with the Applicant's arguments, and stands with the disclosure and teaching of Rumreich and Collings as previously

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disclosed in the non-final office action and discussed with further supportive statements in this final office action.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending from the end of the signature.

Krista Bui
Art Unit 2611
July 7, 2004

**KRISTA BUI
PATENT EXAMINER**